


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q78337	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/761,190	January 22, 2004	
	First Named Inventor		
	Kun-tae KIM		
	Art Unit	Examiner	
	2425	Jason K. LIN	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number 52,432</p>			
		 Signature	
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		September 2, 2009 Date	

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q78337

Kun-tae KIM

Appln. No.: 10/761,190

Group Art Unit: 2425

Confirmation No.: 2320

Examiner: Jason K. LIN

Filed: January 22, 2004

For: SET TOP BOX CAPABLE OF PERFORMING WIRELESS TRANSMISSION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated June 2, 2009 and Advisory Action dated August 28, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 10, 17 and 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Joung et al. (U.S. Patent Application Publication No. 2003/0131360; hereinafter "Joung '360") in view of Joung et al. (U.S. Patent No. 5,555,097; "Joung '097") and further in view of Saitoh et al. (U.S. Patent No. 6,839,851; "Saitoh"). The rejection is respectfully traversed.

Claim 1 is patentable because Joung '360 in view of Joung '097 and further in view of Saitoh fails to teach or suggest each and every element of the claim.

As discussed in the Response filed on July 31, 2009, Joung '360 is silent regarding any receiving of at least a progressive scanning image signal and an external interlaced scanning image signal and selection of the external interlaced scanning image signal or a converted

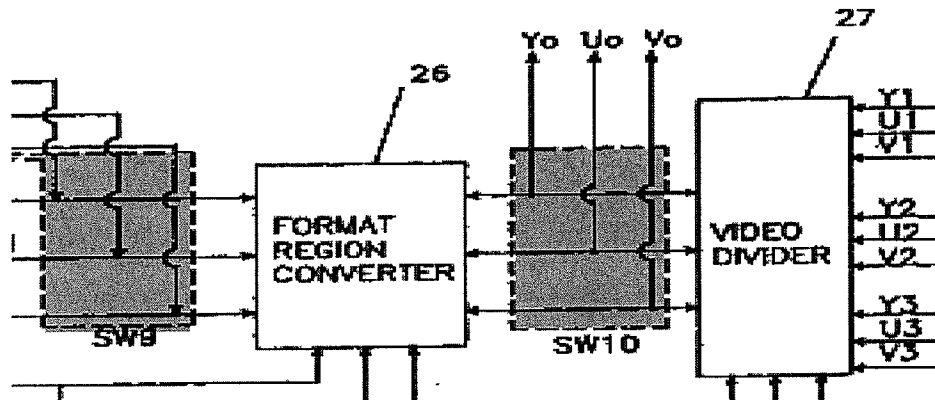
interlaced scanning image signal. In particular, there is no teaching or suggestion in Joung '360 that its stream source device (100), which transmits an HD transmission packet stream wirelessly to a display device, would also convert the HD transmission packet stream into an SD transmission packet stream.

The Examiner concedes on pages 3-4 of the Office Action dated June 2, 2009 that “Joung '360 does not explicitly teach receives at least one of a progressive scanning image signal input from outside and an external interlaced scanning signal from outside, converts the progressive scanning image signal into an interlaced scanning image signal if the progressive scanning signal is received, and then converts one of the interlaced scanning signal and the external interlaced scanning image signal into a second TS; and wherein the TS converting unit comprises: a converter, which converts the progressive scanning image signal input from outside into the interlaced scanning image signal and outputs the interlaced scanning image signal as an output of the converter by separating fields from the progressive scanning image signal and transmitting the separated fields; and an encoding unit, which converts the external interlaced scanning image signal input from outside or the output of the [converter] into the second TS, and further comprises one switching unit operable to [receive] the external interlaced scanning image signal and the interlaced scanning image signal output from the converter and selects one of the external interlaced scanning image signal and the interlaced scanning image signal output from the converter to output to the encoding unit.”

The Examiner, however, relies upon Joung '097 to remedy the deficiencies of Joung '360. In particular, the Examiner refers to column 10, line 51 to column 11, line 7 and FIG. 2 of Joung '097 for its disclosure of a format conversion circuit (9) including a scanning format converter (25) that performs progressive/interlaced scanning conversion with respect to input video data.

The Examiner alleges on page 4 of the Office Action dated June 2, 2009 that Joung '097 teaches a converter which converts the progressive scanning image signal input from outside into the interlaced scanning image signal and outputs the interlaced scanning image signal as an output of the converter by separating fields from the progressive scanning image signal and transmitting the separated fields.

As shown in FIG. 2 of Joung '097 (a portion of which is reproduced below), a switch SW9 pointed out by the Examiner is a switch positioned in the circuit *before* a format region converter (26) that converts progressive scanning data into interlaced scanning data.



[portion of FIG. 2 of Joung '097]

Thus, input data in Joung '097 is different than that which is claimed. That is, the SW9 disclosed in Joung '097 has progressive scanning data and original interlaced scanning data as inputs, wherein the switching unit of the present invention receives an interlaced scanning image signal (converted from a received progressive scanning image signal), and an original interlaced scanning image signal as inputs. Thus, the arguments made by the Examiner are not appropriate, as the switch SW9 does not teach or suggest the claimed switching unit.

Joung '097 also discloses the inclusion of another switch (SW10) in the format converter, however, the switch SW10 receives outputs of the format region converter (26) as inputs, and has the function of switching over the outputs so as to be inputted to a video divider (27) or a post-processor (11) (see FIG. 1). Accordingly, none of the switches in Joung '097 teach or suggest the claimed switching unit, and Joung '097 does not teach or suggest the function of selecting one of the interlaced scanning data that is converted from progressive scanning data, and original interlaced scanning data. Thus, Joung '097 also does not teach or suggest "wherein the TS converting unit further comprises one switching unit operable to receive the external interlaced scanning image signal and the interlaced scanning image signal output from the converter and selects one of the external interlaced scanning image signal and the interlaced scanning image signal output from the converter to output to the encoding unit," as recited by claim 1.

The Examiner maintains, in the Continuation Sheet of the Advisory Action dated August 28, 2009, the allegation that Joung '097's switch SW9 (FIG. 2 and column 10, line 51 to column 11, line 7) allegedly meets the claim limitations in that the switch SW9 receives both progressive and interlaced signals. However, this allegation is not correct at least because Joung '097's switch SW9 does not receive any *interlaced scanning image signal output from a converter of a TS converting unit*. Instead, Joung '097's scanning format converter (25) converts the input video data Y, U and V or Yc, Uc and Vc of the progressive scanning type into the video data Yi, Ui and Vi of the interlaced scanning type and outputs the converted video data Yi, Ui and Vi directly to the format region converter (26) without passing through the switch SW9 (column 10, line 62 to column 11, line 7 and FIG. 2). On the contrary, if the format of the input video data Y, U and V or Yc, Uc and Vc is the interlaced scanning type, Joung '097's scanning format converter (25) passes the video data Y, U and V or Yc, Uc and Vc of the interlaced scanning type to the format region converter (26) through the switch SW9. **Therefore, although the switch SW9 may receive at its input a received (unconverted) interlaced scanning type video data, the switch SW9 never receives an interlaced scanning signal which was converted from a received progressive scanning image signal**

As such, switch SW9 of Joung '097 clearly does not teach or suggest the switching unit as recited by claim 1.

Accordingly, neither Joung '360 nor Joung '097, alone or in combination, teaches or suggests, *inter alia*, "wherein the TS converting unit further comprises one switching unit operable to receive the external interlaced scanning image signal and the interlaced scanning image signal output from the converter and selects one of the external interlaced scanning image signal and the interlaced scanning image signal output from the converter to output to the encoding unit," as recited by claim 1.

Furthermore, Saitoh does not remedy the deficiencies of Joung '360 and Joung '097, as the combination of Joung '360, Joung '097 and Saitoh, would still have the deficiency of the failure to teach or suggest *a switching unit operable to receive the external interlaced scanning image signal and the interlaced scanning image signal output from the converter and selects one of the external interlaced scanning image signal and the interlaced scanning image signal output from the converter to output to the encoding unit*, and thus the combination of Joung '360, Joung

'097 and Saitoh would still fail to teach or suggest every element as recited by claim 1. Accordingly, claim 1 is patentably distinguished over Joung '360 in view of Joung '097 and further in view of Saitoh.

Claim 10 is a related independent method claim and is patentably distinguished over Joung '360 in view of Joung '097 and further in view of Saitoh for analogous reasons. Claims 2, 17 and 19 are dependent claims which are also patentably distinguished over Joung '360 in view of Joung '097 and further in view of Saitoh at least by virtue of their dependencies as well as for their additionally recited elements.

Furthermore, none of Levandowski (U.S. Patent No. 6,704,060), Akiyama (U.S. Patent No. 5,576,760) and Margulis (U.S. Patent Application Publication No. 2001/0021998) remedy the deficiencies of Joung '360, Joung '097 and Saitoh, either alone or in combination. Therefore, dependent claims 3, 5-9, 11 and 13-15 are also patentably distinguished over the cited references at least by virtue of their dependencies as well as for their additionally recited elements.

In view of the foregoing, it is respectfully submitted that all of Claims 1-3, 5-11, 13-15, 17 and 19 are allowable. Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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